




**Gallatin County Office of Court Services
Justice Council Program
Bozeman, Montana**


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Law & Justice Interim Committee
September 9, 2011




**Gallatin County Office of Court Services
Justice Council Program
Bozeman, Montana**

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Restorative Justice in Gallatin County
Restorative Justice:
Not a Blueprint, Not a Map

- Restorative Justice isn't easy to condense into a specific, focused demand. (Soula Pefkaros, 2008)
 - Cultural Differences
 - Cross-Section of Community Participants
 - Judicial Interpretations




Restorative Justice in Gallatin County
Expanding the Circle of Stakeholders

Restorative Justice is concerned about needs and roles sometimes neglected in the traditional justice system.
Howard Zehr,
The Little Book of Restorative Justice, 2002

For Victims

- Truth-telling (Can I believe what you are telling me?)
- Information (Why? Why me?)
- Empowerment (Not Power & Control, not Reverse Victimization, not Revenge)
- Restitution, Vindication or Closure




Restorative Justice in Gallatin County
Expanding the Circle of Stakeholders

Restorative Justice is nevertheless at best a value-oriented and principle-driven way of approaching life's situations.
Howard Zehr,
"The Call of Restorative Justice" 2009

For Offenders

- Accountability
- Encouragement to experience personal transformation
- Encouragement and support for integration into the community
- For some, at least temporary restraint




Restorative Justice in Gallatin County
Expanding the Circle of Stakeholders

Restorative Justice is like a river with multiple sources and tributaries...flowing into a delta where it spreads out in all directions, feeding a much larger ocean..
Howard Zehr,
"The Call of Restorative Justice" 2009


For the Community

- Attention to their concerns as victims
- Opportunities to build a sense of community and mutual accountability
- Encouragement to take on its obligations for the welfare of its members, including victims and offers to foster the conditions that promote healthy communities.



Restorative Justice in Gallatin County
Program Background


- Funded from 2000 until 2004 by Montana Board of Crime Control Grants
- In 2004 Gallatin County assumed funding of:
 - Coordinator's One-Half FTE
 - Office Supplies and Equipment
 - Fall Conference Luncheon



Restorative Justice in Gallatin County

Coordinator's Responsibilities


- Interview and screen Participants referred by agencies
- Attend each Justice Council and record proceedings for Council distribution
- Attend and record minutes of Executive Committee meetings for Member distribution
- Arrange Continuing Education Opportunities for all Justice Council Members, including one-day Fall Conference.
- Liaison to Community and Courts for Program, including New Member Recruitment, Informational Presentations and Reports to Courts
- Communicate with Council Participants Between Sessions
- Perform all of the Program's Administrative Functions



Restorative Justice in Gallatin County

Council Volunteers

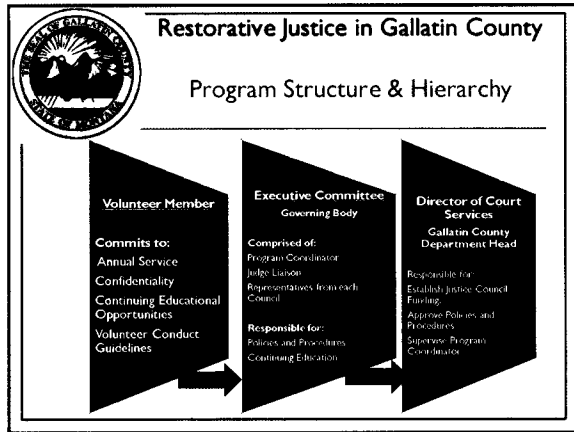
- Three Councils, each comprised of 4-6 Trained Community Volunteer Members
- Cross-section of community populations: Age, Gender, Education, Vocation
- Annual New Member Training presented by Coordinator, Council Volunteers and Outside Speakers
- Quarterly Continuing Education Opportunities
- One Member from each Council elected to serve on Executive Committee for one year.

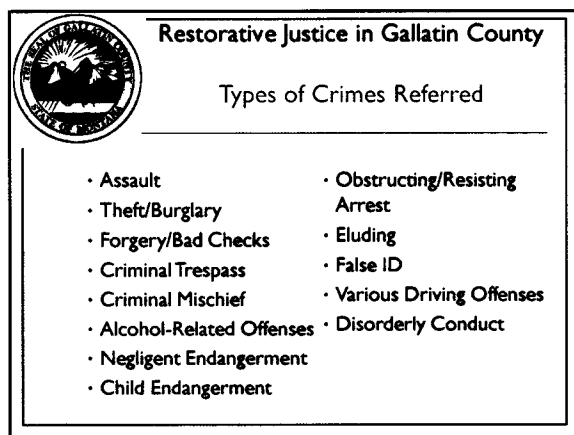


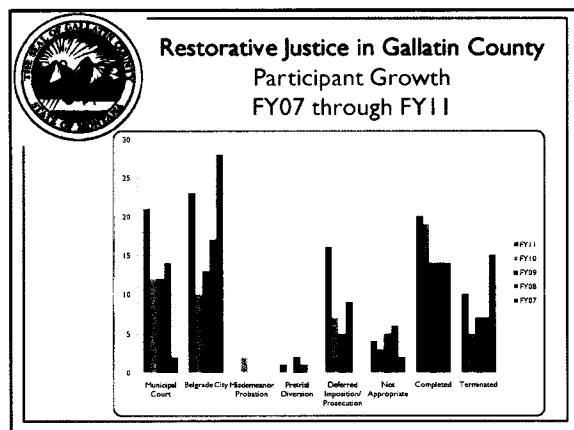
Restorative Justice in Gallatin County


Volunteer Training and Conference Topics

<ul style="list-style-type: none"> • Restorative Justice 101 • Motivational Interviewing • Core Attitudes and Beliefs • Considering Families of Origin • Hierarchy of Change, The Cycle of Change • DARN-C (Focusing on an Offender's Desire, Ability, Reasons, Need & Commitment to Change) • Empathy versus Sympathy • Narcissist or Sociopath? • Body Language • Personality & Social Disorders 	<ul style="list-style-type: none"> • Reflexive/Attentive Listening • S.M.A.R.T. Goal Setting • DBT (Dialectic Behavioral Therapy) • Adult ADD/ADHD • OARSS, (Open-ended Questions, Affirmation, Reflection, Summarization, Self-motivating Statements) • Mutual Respect and Civil Disagreement • Role of Shame and Anger • Mock Councils (Role Playing) • Community Resources
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Restorative Justice in Gallatin County

Recidivism


- Bozeman, a campus community has a transient population making it difficult to monitor re-offending young adults in other Montana jurisdictions and out-of-state jurisdictions.
- After an Offender completes a Justice Council, his right to privacy must be respected. No follow up participant surveys and/or written or electronic communication is allowed. Public records may be examined upon request.
- The Courts are discovering that Deferred Prosecutions and Deferred Impositions of charges are opportunities for Offenders to reconsider their behaviors. The "quid pro quo" concept, i.e., the exchange of the successful completion of a Justice Council for a possible dismissal of charges, can be effective in motivating Offenders to take a second look at the direction of their lives.
- A "Successful Completion" designation indicates an acceptance of responsibility remorse for offense, awareness and repair of victim injury or a personal dialog with victim, emerging positive personal, professional or educational growth. Council completions in Gallatin County approximate 52%. Not all of those are "successful" completions: "Compliant but Not Successful" may be up to 5% of the 52%.



Restorative Justice in Gallatin County

Victim/Offender Dialog

- With an Offender's consent and motivation and with Victim(s)' willingness, the Council invites all stakeholders to a crime to participate in a dialog.
 - Conducted in the safe, supervised environment of a Justice Council session
 - Victim given opportunity to speak first, followed by Offender's response
 - Resolution or Repair *may* ensue to satisfy all parties




Restorative Justice in Gallatin County

Victim/Offender Dialog

"Peter and George"

Peter, a young, unemployed father of two, stole an abandoned bicycle from behind a granary and pawned it at his family friend's pawnshop to buy baby diapers and food. George, the pawnshop owner was upset when a police officer found the stolen property at the pawnshop. He felt outraged and betrayed when he realized it was Peter who pawned it. At his first Council meeting, Peter himself requested a VOD. George agreed to attend.

At the VOD, George confronted Peter about his actions, his life's decisions, his family responsibilities and his concerns for Peter's future. During this emotionally charged exchange, with the Council's guidance, the parties agreed that Peter would volunteer at the pawnshop to make amends.




Restorative Justice in Gallatin County
"Frank"
No Prior Record, Lack of Judgment
Theft, First Offense

Frank stole and pawned a power tool from his jobsite when his boss refused to give him an advance. His employer quickly discovered the loss and fired Frank who then struggled to feed his six children. The Council asked him to consider:

- The crime from his employer's point of view (diminished trust and crew bonuses)
- His relationship with his children when they find out what he had done
- Additional education for his wife to enable her to work from home
- Money Management

Frank and the Council discussed the first two items in depth resulting in Frank's deeper understanding of the ripple effect of his actions.




Restorative Justice in Gallatin County
"Cassie"
Embracing Change
No Insurance, Driving While Suspended

Sweetwater County Justice Court suspended Cassie's license and issued a warrant for her nonpayment and non-appearance on a speeding ticket.

She was stopped in Gallatin County for a tail light infraction after which she was arrested on the warrant. She was also cited for No Insurance because she decided to pay rent rather than car insurance.

The Council focused on her irresponsibility, lack of accountability and poor judgment. She agreed to participate in Court Services' Money Management program. By the end of her Council, Cassie was current on her bills, including those debts on her credit report and her defaulted student loans.

Cassie looked forward to each Justice Council where she presented her budget color coded on large poster boards. Her confidence grew and she spoke to the council about either returning to MSU or pursuing her job to a management level.




Restorative Justice in Gallatin County
"Lyon"
Offender Closure
Child Endangerment

Lyon was working at a daycare while studying at MSU to become an elementary school teacher. Preparing to leave a playground with his group, he counted heads and turned to load the children into the school van. As he was doing so one child ran back to a portable toilet without asking Lyon or telling any of the other children. Lyon continued to load up the youngsters, not realizing that he was missing one. He discovered that the child was missing when he returned to the daycare center a few blocks away. Lyon panicked and began to race back to the playground when a plumbing company employee brought the little boy back to the center in his truck. The child's distraught parents insisted on pressing charges against Lyon and would not consider any conversation with him.

Because Lyon had been known to be responsible, that he was pursuing a career in elementary education and that he expressed deep regret for the situation, the Court imposed a two year deferred imposition of sentence. The deferment gave Lyon an opportunity to have the charge ultimately dismissed (not expunged) upon completion of his sentencing requirements. Despite the deferment, the charge would remain on his record as a conviction for two years until Lyon completed all of his sentencing obligations. Lyon realized that his teaching career might be in jeopardy because the charge would always be on his record even though the charge appears as dismissed. He believed that he might have to change his course of study as well.

The Council was not only a venue for Lyon's taking responsibility for his lapse in judgment but also a vehicle for closure for him since he had nowhere else to express own personal pain about a potential tragedy and the Court's order forbidding any future contact with the family. Although it couldn't be mailed or delivered, Lyon wrote an apology letter to the parents that remains in his file at Court Services.



Restorative Justice in Gallatin County
"Kevin"
Compulsory Compassion
Criminal Trespass to Property

In an alcoholic blackout, Kevin walked over two miles from a downtown bowling alley to a restaurant. He went into the restaurant's bar and tried to instigate a fight with a total stranger. Even when he was asked to leave he persisted in his determination to fight until law enforcement became involved. He didn't remember anything except being in the police car.


Kevin wants to be an equine vet and has spent his young life working toward that goal. One of the Council members is a retired veterinarian and he tried to convey the seriousness of what may be alcohol abuse from a neurological aspect as well as the appearance of possible future convictions on a veterinary school application.

Kevin considered his ever-increasing drinking as "fun" and part of college life. He acknowledged prior blackouts but refused to see a relationship between his behavior and his future. Neither did he have remorse for his behavior nor did he consider his encounter with law enforcement and the potential serious injury to a stranger as problematic.

One of the terms of his mutually agreed upon Reparative Agreement was to research and write a short paper about the effects of alcohol on adolescent brain development. He perfunctorily performed that condition of his Reparative Agreement and was flippant and disrespectful when he presented his assignment to the Council.

Kevin demonstrates that Restorative Justice cannot demand a change in point-of-view or attitude. However, the volunteers for Restorative Justice in Gallatin County consider each Council a seed planted.

The Council returned a report to the Court that Kevin was compliant but not successful.



A Restorative Justice Program is Not a Replacement for Our Judicial System.

Restorative Justice can work in conjunction with our traditional justice system. As a sentencing enhancement, or as "quid pro quo," or as a diversion/deferment, Restorative Justice strives to bring all affected parties together for the following objectives outlined by Howard Zehr:

- Acknowledge offense(s) and make amends in satisfactory ways
- Accept responsibilities as Offenders, Victims and Communities
- Promote underlying values of Respect, Responsibility and Relationships



Gallatin County Office of Court Services
Justice Council Program
Bozeman, Montana

PRESENTATION SUMMARY

Mike O'Donnell

Victim &

Justice Council Member

Good morning committee members, Mr. or Mrs. Chairman, and audience members. My name is Mike O'Donnell and became involved in our local restorative justice program as a result of a car accident in which a person rear-ended me. Up to this point I had no knowledge of the program or how it functioned within the community. I received a phone call from the program coordinator wanting me to participate in a meeting in which we would talk about what happened, how it impacted myself and family, and how we can restore things prior to the accident.

As it turned out, the individual did not have insurance so I had to pay my deductible for my insurance to perform repair to my vehicle. The damage was not at that severe but my vehicle did need to be repaired to function properly. The restorative justice program was successful in making sure the offender made payments to help offset the expenditure of repair my vehicle. The way in which the committee members added their advice, experience, and desire to make sure the offender understood what he did was an accident, but need to be accountable for his actions was professional and respectful.

I have to say that I was very apprehensive at the beginning of the process, but after attending the meeting and seeing the dedicated individuals which volunteer their time to help me and my family and then being able to talk with the offender, I thought the process was awesome and I began to volunteer to sit on the committees and attending meetings for others.

Throughout my volunteering of sitting on the committees I began to understand the program and how effects the judicial system. I believe that the local restorative justice program is very successful because of its leadership of the program coordinator, and the volunteers who give their time to make sure that the program is successful. Programs like the restorative justice do not operate because someone has to do a job, but it operates because individuals are dedicated to volunteering their time to make sure the program is a success.

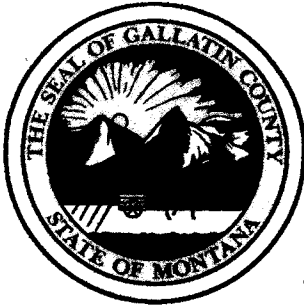
One struggle in which I think is very important to bring forward is that these programs do not succeed unless those in the judicial system believe in their success and performance. I do believe that the judges and public were not familiar with the restorative justice program and it took great leadership and education from the volunteers, committee members, and program coordinator to become the success it has become.

I think that if I never had the opportunity to know about the restorative justice system and justice council on a local level, I don't think that I would have volunteered. Not because I don't believe in it, just that I was not educated that it existed and an opportunity to volunteer was available.

My experience on the justice councils was very fun and interesting. I believe that offenders need to understand what they are doing to get them in trouble is not working and the justice council offers peers to make them accountable to restore things as a result of their actions. The other thing that I found interesting is that some offenders did not want the help of the council because they did not want the help period. I think that the offender needs to recognize the opportunity to get help before they can move forward. Sometimes programs are not necessarily unsuccessful but more like not used because it is not recognized a usefully tool to an offender, or judge when the offender is getting sentenced.

In summary, I would like to say that I believe in the local restorative justice system I would hope that the professionals at the local and state level understand that the programs can be successful and useful with dedicated volunteers and great leadership from a program coordinator, local justices, and state leadership. Programs like these need support from everyone to be successful and make our communities, and state a better place to live.

Thank you



Gallatin County Office of Court Services
Justice Council Program
Bozeman, Montana

LETTERS
FROM
JUSTICE COUNCIL
OFFENDER PARTICIPANTS

From: Ally Jones

To: The Montana Legislative Interim Committee:

Subject: Gallatin County Restorative Justice System

Date: September 1, 2011

I walked into the doors of the Gallatin County Office of Court Services in November of 2007 because of a crime I committed that could have injured or killed me and a number of people on Interstate 90. I made the decision to pick up my car keys and begin to drive after several drinks with friends. Most offenders would probably say they wish they could take it all away and start over and do things different. I would have to disagree. Why? Because I took away with me the most amazing experience of my life and had I not completed Justice Council and other things the Belgrade City Judge had asked of me to serve, I would not be where I am today. I thank God every day for sending the two police officers to me, they saved my life and others as well. Had I pulled onto the interstate, I would not have made it to my home ten miles away and I never would have met some of the most influential people in my life.

That day I walked into the Office of Court Services and met Barbara Rainey I knew something good was in store for me. I didn't know what, but after telling her my story, I felt remorse for what I had done and was more than willing to put in my time. At the time, The Restorative Justice Program was not something I had ever heard of and had no clue what I would be doing to help out. Barbara took me under her wing and asked if, for my community service hours, I would be willing to help her prepare for the Mock Justice Council. She told me all about the two programs and what would be expected of me. Not only was I helping organize and prepare for them, I would be visiting with members of the Justice Council as the offender as well. I was able to see both sides of the justice system and what role everyone played. With the training program, each volunteer plays a role in the Justice system, whether it be the Judge, Police Official, the victim, etc. The best thing about this program is that everyone can understand the position of every role in the justice system. The program gave me the power to respect the officers who pulled me over, the judge who delivered my sentence, the teacher of A.C.T. Classes, and even myself.

When meeting with the Justice Council, I gave the volunteer board updates on how and what I was doing to make better decisions in life and by doing this I was able to accept responsibility for my actions and serve my community as well. By doing this I was not only able to forgive myself, but I could respect the system and learn from my mistakes. I got to know the members individually as well as a whole as they worked with me to find acceptance. Without them, I'm not sure where I would be. Would I be in jail somewhere on another DUI charge or killed in a car crash because I chose to drink and drive? This program is an amazing way to help people understand why we have the justice system and why it is important to accept responsibility for our own actions and think before we try to commit any crime.

The only thing that I would change is establishing a program in more places in Montana. Every community could benefit from this program, times are worsening and I believe we need reach out and help those who need help to save the communities of Montana. The community members of my town and surrounding small towns do not realize that things can be done to our justice system and that it is not just a joke. They need to know we are safe and justice can effectively be restored. I would be willing to help with it because in the three years that I have been back in Chester, I have seen more criminals released on unreasonable terms and juveniles getting a slap on the wrist just because of the way our system works.

Sincerely ,

Allyson Jones

Former Gallatin County Offender

To Whom It May Concern

Justice Council to me is like an extended family. The people involved don't look at you with a mindset that we are just like every other criminal, just because we are in the "system". I feel, they perceive us as individuals with individual problems or setbacks. For most programs run by the State, believe that what works for one will work for all.

The first time I attended a Justice Council meeting, I felt as if they saw me, not just another criminal with which they had to deal with. I believe the people that volunteer for Justice Council truly do care for the individuals attending the program. Most people in these programs do it for a check at the end of the week. However the folks with Justice Council have only one request in mind, and that is to see us succeed.

Justice Council has done so much for me as well as others like me. They showed a sense of caring and a certain strongness that I or many people like myself never received while growing up. These amazing volunteers and Barbara have taught me morals, self worth and how to manage my life with a positive outlook. They were the family that held me accountable when none else was there to do so. This group of friends set me up with the proper look, attitude and thought process to become a productive part of society.

In Conclusion, Justice Council is the only program that I've been through that truly cares you and who you are as an individual. They don't care where you've been or how you got to be where you are today. There only

concern is how they can help you to better your life. To this day when I think of Justice Center, I think family, friends and caring individuals. I am not sure where I'd be today without the outstanding individuals and to be honest I don't want to know.

From an appreciative individual



Silvestre C. Hernandez



Gallatin County Office of Court Services
Justice Council Program
Bozeman, Montana

Bozeman Daily Chronicle Opinion Page
September 3, 2011

Note about opinion writer:

Alan Kesselheim is a freelance writer and teacher, based in Bozeman, Montana, where he lives with his wife and three children. He is the author of nine books and hundreds of magazine stories. He teaches with the Honors College at Montana State University and runs several writing workshops every year.



Gallatin County Office of Court Services Justice Council Program Bozeman, Montana

BOZEMAN DAILY CHRONICLE

OPINION

By ALAN KESSELHEIM
Guest columnist

SEND LETTERS TO
CITYDESK@DAILYCHRONICLE.COM

Boat totem won't be victim of Bozeman barflies

At 2 a.m. Saturday, Aug. 27, drunks came into our yard on East Olive Street and toppled the canoe I had recently replanted, totem-style, in front of our house. We saw a young man running away and a white, late-model pickup truck acting as the getaway vehicle.

Earlier this summer, we returned from a river trip to find

the original totem canoe broken in half, lying in our yard. I knew it had severe cracks in the hull, and that it had been windy during our absence. Despite a neighbor's comment that it might well have been a drunk on the way home from the bars on Saturday night, I chose to hold the wind responsible. A few weeks later I reinstalled the canoe, only shorter, nearby. I actually liked the second version better.

Here's the back story. That canoe was the vehicle that carried

Marypat and me across Canada in the mid-'80s. For more than a year, it was our companion across thousands of miles of northern wilderness. It spent the winter between paddling seasons with us on the shores of Lake Athabasca, in northern Saskatchewan. It carried us on many subsequent journeys down rivers and across lakes, until it developed extensive cracks in the hull. We couldn't bear the thought of taking the old boat to the dump, so we decided to honor it

by planting it in the front yard. It stood in front of our house for years, decorated for various holidays, standing through storms and seasons, becoming something of a local landmark, and, apparently, also a target.

So now we know the depressing truth; it wasn't the wind that took down the canoe, either time. I have no interest in continuing a battle of wills with a bunch of barflies. I will not subject my old boat to that abuse. I am also not interested in prose-

cuting the vandals. They are only guilty of youth, drunkenness and ignorance. If, however, any of them possess the character to stop by and introduce themselves, I promise to do my best to tamp down the impulse to wring their necks, and instead, to tell stories of the places that canoe has been and the adventures we had along the way. Perhaps we could talk about how to respect and honor an old friend.

Alan Kesselheim lives in Bozeman.

The Injured Party Asks for a Voice



Gallatin County Office of Court Services Justice Council Program Bozeman, Montana

BOZEMAN DAILY CHRONICLE

OPINION

THURSDAY, AUGUST 8, 2011

SEND LETTERS TO
CITYDESK@DAILYCHRONICLE.COM

prompt system told me it would take up to 48 hours for a fix but couldn't offer any explanation. I succeeded in reaching a live representative — in the Philippines. After reading his script about how sorry he was for my problem, he referred me to his supervisor, also in the Philippines.

On the third try to speak to a stateide Quest/CenturyLink employee, I connected with a supervisor in Des Moines who said she and her co-workers disliked corporate policy to ship jobs overseas and shared my concern.

A couple of weeks ago I flew with United Airlines. The day before I was to travel, I was puzzled that I couldn't complete early check-in. Calling in to customer service, I was connected to a fellow ... in India. He explained that his co-worker (also in India) who originally

booked my flight somehow erred and my trip was left hanging in cyberspace.

I'm shocked — simply shocked! — that United hasn't responded to my question about its corporate rationale for having its U.S. customer-service operations in Asia. (And please don't tell me it's because they fly worldwide.)

Peter D. Fox
Livingston

Veggie, canoe crooks sour Bozeman's appeal

Sitting here in Idaho on a beautiful Saturday morning reading the Bozeman paper online and contemplating our move back to Bozeman in a year, we have a hint of hesitation.

Although I know there are

ignorant idiots everywhere, it saddens me to see our once-quiet SAFE town that I grew up in turning into a little crime-ridden city.

I told my husband that if someone had helped themselves to veggies in my dad's garden. Although my dad grows enough veggies that he is usually giving them away at the end of the season, he takes great pride in his garden and if you would have come to his door and asked, he, more than likely, would have given you what you wanted.

As I finished telling my husband this, I read the article written by Mr. Kesselheim about someone vandalizing his beloved canoe that meant so much to him and his wife, Marypat. I have read his books he wrote on their ventures through Alaska and Canada and have thoroughly enjoyed them. I feel like that on

noe is a part of me as well. I feel like I was on those ventures with them and out of those ventures grew a love for Alaska, Canada and any books written about ventures through these parts that I can get my hands on.

It saddens me that someone could be so "heartless" as to destroy something that has meant so much to someone. Mr. Kesselheim should set a couple of his books out by his canoe in the hopes that the culprits will take them, read them and know just what they are destroying.

As for my dad's garden, well, you have already taken what he had to offer. I hope you enjoyed them as much as his kids, grandkids, neighbors, family and friends would have.

Sharon Arneson
Bozeman, Idaho

with good of American green backs. The hypocrisy of it all! We elect these politicians to look out for our best interests, but instead they look out for themselves by cultivating political contributions from "big business" (Republicans) to worrying about everyone else in the world except us (Democrats).

If we want American jobs for Americans, we need to start purchasing American products (what few are left), rejecting foreign-made products, and boycotting products from American companies that have their products manufactured in foreign countries (to save labor costs).

Lastly, we need to elect politicians who are "statesmen," not skills for their political party's agenda.

Just one man's opinion.

Russ Johnson
Emigrant

The Ripple Effect of Offender(s)' Crime: The Injured Party's Voice is Heard in Idaho